IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.ll9l of 2005

Ganpat Arjunbhandari and ors ..petitioners
vs
Chief Land Records Officer
CIDCO & ors..Respondents
with
Writ Petition No. ll97 of 2005
Naga T Patil and ors.. petitioners
vs
The Chief Land Record Officer
CIDCO and ors. respondents

Mr. Sriram S Kulkarni for petitioners
Mr.R.M.Sawant for respondent no.l
Mr C.R.Sonawane AGP for State

CORAM: A.P.SHAH & J.H.BHATIA JJ.

Dated 8.7.2005

P.C:
. Heard advocates.

. On 3rd February l970 the lands of the petitioners were notified under section 4 of the Land Acquisition Act for the public purpose of establishment of New Mumbai. However, award under section ll was not published within the statutory period and, therefore, notification under section 4 lapsed. It appears that an entry in 7 x l2 extract which was made pursuant to the section 4 notification was also deleted after lapsing of acquisition proceedings was also deleted.

. The grievance of the petitioners is that though the petitioners' lands have been included in the residential zone in the sanctioned Development Plan, respondent no l -CIDCO is not permitting the petitioners to develop the land on the pretext that the lands are required for New Mumbai Project . lt is contended that the respondent no.l is neither granting NOC for development of the property nor taking steps to acquire the land. Therefore a direction is sought to the respondents to acquire the land in a time bound programme and pay compensation to the petitioners in accordance with law. In the alternative it is prayed that respondent no.l should be directed to release the land from acquisition and grant NOC for development.

. Mr.R.M Sawant learned counsel for respondent no.l stated that the land of the petitioners are required by CIDCO and he has no objection if appropriate directions are given to the SLAO to acquire petitioners' land and pay compensation in time bound programme. Accordingly it is directed that the concerned SLAO shall forthwith initiate acquisition proceedings in respect of the petitioners' lands and declare the award and pay amount of compensation to the petitioners within

one year from today. Petitions stand disposed of accordingly.